

**Executive Summary – Enforcement Matter – Case No. 42136**  
**Enterprise Products Operating LLC**  
**RN102984911**  
**Docket No. 2011-1316-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Enterprise East, 316 South Main Street, Mont Belvieu, Chambers County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2011-2150-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** December 9, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,569

**Amount Deferred for Expedited Settlement:** \$2,113

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$4,228

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$4,228

Name of SEP: Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 42136**  
**Enterprise Products Operating LLC**  
**RN102984911**  
**Docket No. 2011-1316-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 1, 2011 and May 11, 2011

**Date(s) of NOE(s):** May 13, 2011 and July 22, 2011

***Violation Information***

1. Failed to provide the correct Regulated Entity Reference Number on the Initial Notification and on the Final Report for Emissions Event Incident No. 150319, which occurred on February 5, 2011 at the East Storage Splitter III Dehydration Unit. The Respondent also failed to provide the correct permit number associated with the facility involved in the emissions event. Specifically, New Source Review Permit No. 93973 was incorrectly identified in the Final Report. The correct authorization should have been Permit-by-Rule (“PBR”) 30 TEX. ADMIN. CODE § 106.492 [30 TEX. ADMIN. CODE §§ 101.201(a)(2)(B), 101.201(b)(1)(H) and 122.143(4), Federal Operating Permit (“FOP”) No. 3369, Special Terms and Conditions No. 2G and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed prevent unauthorized emissions. Specifically, 470.60 pounds (“lbs”) of unspeciated volatile organic compounds (“VOC”), 18 lbs of propane and 158.00 lbs of propylene were released when the Respondent failed to prevent the premature lifting of the Pressure Safety Valve (“PSV”), resulting in an emissions event (Incident No. 150319) which began on February 5, 2011, and lasted for 45 minutes. Since the Respondent failed to provide the cause of the incident and an accurate correlation of the emission quantities in the final report, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 106.492 and 122.143(4), FOP No. 3369, Special Terms and Conditions Nos. 9 and 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions. Specifically, 3,647.88 lbs of propylene and 18.52 lbs of propane were released due to tube leaks in the regeneration condenser at the Splitter III cooling tower, resulting in an emissions event (Incident No. 153286) which began on April 8, 2011, and lasted for 144 hours. Since the emissions event was not reported within 24 hours, and as the Respondent failed to provide sufficient information on the cause of the incident the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 106.371 and 122.143(4), FOP No. 3369, Special Terms and Conditions No. 10 and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery and also failed to provide sufficient information on the root cause so the avoidability of the incident could not be determined. Specifically, Incident No. 153286 was discovered on April 8, 2011 but was not reported until April 13, 2011 [30

**Executive Summary – Enforcement Matter – Case No. 42136**  
**Enterprise Products Operating LLC**  
**RN102984911**  
**Docket No. 2011-1316-AIR-E**

TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), FOP No. 3369, Special Terms and Conditions No. 2 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures at the Plant:

- a. On May 14, 2011, replaced the pilot valve on the PSV and the O-ring under the nozzle (Incident No. 150319);
- b. On July 25, 2011, completed training to ensure that emissions event reports are submitted in a timely manner (Incident No. 153286); and
- c. On August 2, 2011, deleted the incorrect Regulated Entity Reference Number from the TCEQ Central Registry (Incident No. 150319).

**Technical Requirements:**

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**Respondent:** Graham W. Bacon, Vice President - Houston Regional Operations, Enterprise Products Operating LLC, 316 South Main Street, Mont Belvieu, Texas 77520  
Stephen Craig, Senior Environmental Scientist, Enterprise Products Operating LLC, 316 South Main Street, Mont Belvieu, Texas 77520

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2011-1316-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Enterprise Products Operating LLC</b>
<b>Payable Penalty Amount:</b>	<b>Eight Thousand Four Hundred Fifty-Six Dollars (\$8,456)</b>
<b>SEP Amount:</b>	<b>Four Thousand Two Hundred Twenty-Eight Dollars (\$4,228)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Barbers Hill Independent School District- Alternative Fueled Vehicle and Equipment Program</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson  
Carl Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 101  
Port Arthur, Texas 77642

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

Enterprise Products Operating LLC  
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	11-Jul-2011	<b>Screening</b>	20-Jul-2011	<b>EPA Due</b>	
	<b>PCW</b>	26-Jul-2011				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Enterprise Products Operating LLC		
<b>Reg. Ent. Ref. No.</b>	RN102984911		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	42136	<b>No. of Violations</b>	4	
<b>Docket No.</b>	2011-1316-AIR-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Nadia Hameed	
		<b>EC's Team</b>	Enforcement Team 5	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,600
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	54.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$4,104
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Notes: Enhancement for two NOVs with same/similar violations, one order with denial of liability, and one order without denial of liability. Reduction for one Notice of Audit letter submitted.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$1,135
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$35  
Approx. Cost of Compliance \$2,550  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,569
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$10,569
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,569
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$2,113
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$8,456
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Screening Date 20-Jul-2011

Docket No. 2011-1316-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 42136

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Nadia Hameed

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 54%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for two NOVs with same/similar violations, one order with denial of liability, and one order without denial of liability. Reduction for one Notice of Audit letter submitted.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 54%

Screening Date 20-Jul-2011

Docket No. 2011-1316-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 42136

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(2)(B), 101.201(b)(1)(H) and 122.143(4), Federal Operating Permit ("FOP") No. 3369, Special Terms and Conditions No. 2G and Tex. Health & Safety Code § 382.085(b)

## Violation Description

Failed to provide the correct Regulated Entity Reference Number on the Initial Notification and on the Final Report for Emissions Event Incident No. 150319, which occurred on February 5, 2011 at the East Storage Splitter III Dehydration Unit. The Respondent also failed to provide the correct permit number associated with the facility involved in the emissions event. Specifically, New Source Review Permit No. 93973 was incorrectly identified in the Final Report. The correct authorization should have been Permit-by-Rule ("PBR") 30 Tex. Admin. Code § 106.492.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

## &gt;&gt; Programmatic Matrix

Falsification				Percent
	Major	Moderate	Minor	
			X	1%

Matrix Notes

At least 70 percent of the rule requirement was met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 1 178 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$10

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on August 2, 2011, after the May 31, 2011 NOE.

Violation Subtotal \$90

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$144

This violation Final Assessed Penalty (adjusted for limits) \$144

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 42136  
**Reg. Ent. Reference No.** RN102984911  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	5-Feb-2011	2-Aug-2011	0.49	\$1	n/a	\$1

Notes for DELAYED costs

Estimated expense to have the incorrect RN number deleted from the TCEQ Central Registry. The Date Required is the date of the emissions event and the Final Date is the date the corrective actions were completed.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

**TOTAL**

\$1

Screening Date 20-Jul-2011

Docket No. 2011-1316-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 42136

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 106.492 and 122.143(4), FOP No. 3369, Special Terms and Conditions Nos. 9 and 10, and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 470.60 pounds ("lbs") of unspecified volatile organic compounds ("VOC"), 18 lbs of propane and 158.00 lbs of propylene were released when the Respondent failed to prevent the premature lifting of the Pressure Safety Valve ("PSV"), resulting in an emissions event (Incident No. 150319) which began on February 5, 2011, and lasted for 45 minutes. Since the Respondent failed to provide the cause of the incident and an accurate correlation of the emission quantities in the final report, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

## Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on May 14, 2011, prior to the May 31, 2011, NOE.

Violation Subtotal \$1,875

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$3,225

This violation Final Assessed Penalty (adjusted for limits) \$3,225

# Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC  
 Case ID No. 42136  
 Reg. Ent. Reference No. RN102984911  
 Media Air  
 Violation No. 2

Percent Interest 5.0  
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	5-Feb-2011	14-May-2011	0.27	\$27	n/a	\$27

Notes for DELAYED costs

Estimated expense to replace the pilot valve on the PSV and the O-ring under the nozzle. The Date Required is the date of the emissions event and the Final Date is the date the corrective actions were completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$27

Screening Date 20-Jul-2011

Docket No. 2011-1316-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 42136

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 106.371 and 122.143(4), FOP No. 3369, Special Terms and Conditions No. 10 and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 3,647.88 lbs of propylene and 18.52 lbs of propane were released due to tube leaks in the regeneration condenser at the Splitter III cooling tower, resulting in an emissions event (Incident No. 153286) which began on April 8, 2011, and lasted for 144 hours. Since the emissions event was not reported within 24 hours, and as the Respondent failed to provide sufficient information on the cause of the incident the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

6 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on July 25, 2011, after the July 22, 2011, NOE.

Violation Subtotal \$2,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,600

This violation Final Assessed Penalty (adjusted for limits) \$3,600

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 42136  
**Reg. Ent. Reference No.** RN102984911  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 4.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Screening Date 20-Jul-2011

Docket No. 2011-1316-AIR-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 2 (September 2002)

Case ID No. 42136

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102984911

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.201(a)(1) and 122.143(4), FOP No. 3369, Special Terms and Conditions No. 2 and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery and also failed to provide sufficient information on the root cause so the avoidability of the incident could not be determined. Specifically, Incident No. 153286 was discovered on April 8, 2011 but was not reported until April 13, 2011.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

	Falsification	Major	Moderate	Minor
		x		

Percent 25%

Matrix Notes

100 percent of the rule requirement was not met.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

6 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Good Faith Efforts to Comply

10.0% Reduction

\$250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on July 25, 2011, after the July 22, 2011 NOE.

Violation Subtotal \$2,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$3,600

This violation Final Assessed Penalty (adjusted for limits) \$3,600

# Economic Benefit Worksheet

**Respondent** Enterprise Products Operating LLC  
**Case ID No.** 42136  
**Reg. Ent. Reference No.** RN102984911  
**Media** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	8-Apr-2011	25-Jul-2011	0.30	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense for training to ensure that the reports are submitted in a timely manner. The Date Required is the date of the emissions event and the Final Date is the date the corrective actions were completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$7

## Compliance History

Customer/Respondent/Owner-Operator:	CN603211277	Enterprise Products Operating LLC	Classification: AVERAGE	Rating: 2.27
Regulated Entity:	RN102984911	ENTERPRISE EAST	Classification: AVERAGE	Site Rating: 0.57
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD987981560	
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	39257	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CI0006V	
	AIR NEW SOURCE PERMITS	REGISTRATION	28849	
	AIR NEW SOURCE PERMITS	REGISTRATION	50169	
	AIR NEW SOURCE PERMITS	REGISTRATION	15488	
	AIR NEW SOURCE PERMITS	REGISTRATION	50176	
	AIR NEW SOURCE PERMITS	AFS NUM	4807100017	
	AIR NEW SOURCE PERMITS	PERMIT	93973	
	AIR NEW SOURCE PERMITS	REGISTRATION	83868	
	AIR OPERATING PERMITS	PERMIT	3369	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CI0006V	
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00174	
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	CI0006V	
Location:	316 S MAIN ST, MONT BELVIEU, TX, 77520			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	July 25, 2011			
Agency Decision Requiring Compliance History: Enforcement				
Compliance Period:	July 25, 2006 to July 25, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Nadia Hameed	Phone:	713-767-3629	

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?      Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period?      No
3. If Yes, who is the current owner/operator?      N/A
4. If Yes, who was/were the prior owner(s)/operator(s)?      N/A
5. When did the change(s) in owner or operator occur?      N/A
6. Rating Date: 9/1/2010   Repeat Violator:   NO

### Components (Multimedia) for the Site :

- A.      Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 03/07/2011

ADMINORDER 2010-0926-AIR-E

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085(a)

Description: Failure to prevent the release of unauthorized emissions specifically when the Well #3 pump failed.

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.121  
30 TAC Chapter 122, SubChapter B 122.130(b)(2)  
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a FOP application.

Effective Date: 07/02/2011

ADMINORDER 2011-0032-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: REGISTRATION PERMIT

Description: Enterprise failed to properly maintain a control device and failed to prevent unauthorized emissions during an event that occurred on August 25, 2010.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	10/18/2006	(516213)
2	10/18/2006	(516240)
3	12/29/2006	(516984)
4	12/29/2006	(534871)
5	12/29/2006	(535318)
6	12/04/2008	(600618)
7	01/25/2008	(615975)
8	07/19/2010	(790293)
9	05/26/2010	(791225)
10	06/08/2010	(798866)
11	06/08/2010	(799183)
12	05/19/2011	(860156)
13	12/22/2010	(865883)
14	04/06/2011	(908553)
15	07/08/2011	(913414)
16	07/22/2011	(914849)
17	05/23/2011	(920329)
18	06/28/2011	(935894)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/29/2006

(534871)CN603211277

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
Description: **Failed to include the permit number in the report.**

Date: 06/08/2010 (799183) CN603211277

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.4(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.11(d)  
5C THSC Chapter 382 382.085(b)

Description: Enterprise failed to properly maintain and operate a control device by failing to keep the West Flare (EPN FL-08) lit.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
5C THSC Chapter 382 382.085(b)  
Registration PERMIT

Description: **Enterprise failed to prevent unauthorized emissions including 392 pounds of propylene by failing to detect flow to the flare.**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
5C THSC Chapter 382 382.085(b)

Description: **Enterprise failed to properly report Incident No. 135767.**

F. Environmental audits.

10/12/2009

(780192)

Notice of Intent Date:

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ENTERPRISE PRODUCTS  
OPERATING LLC  
RN102984911**

**§ BEFORE THE  
§  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2011-1316-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 316 South Main Street in Mont Belvieu, Chambers County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 5, 2011 and July 27, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Five Hundred Sixty-Nine Dollars (\$10,569) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Four Thousand Two Hundred Twenty-Eight Dollars (\$4,228) of the administrative penalty and Two Thousand One Hundred Thirteen Dollars (\$2,113) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Four Thousand Two Hundred Twenty-Eight Dollars (\$4,228) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On May 14, 2011, replaced the pilot valve on the Pressure Safety Valve ("PSV") and the O-ring under the nozzle (Incident No. 150319);
  - b. On July 25, 2011, completed training to ensure that emissions event reports are submitted in a timely manner (Incident No. 153286); and
  - c. On August 2, 2011, deleted the incorrect Regulated Entity Reference Number from the TCEQ Central Registry (Incident No. 150319).
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to provide the correct Regulated Entity Reference Number on the Initial Notification and on the Final Report for Emissions Event Incident No. 150319, which occurred on February 5, 2011 at the East Storage Splitter III Dehydration Unit, in



- violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(2)(B), 101.201(b)(1)(H) and 122.143(4), Federal Operating Permit ("FOP") No. 3369, Special Terms and Conditions No. 2G and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 1, 2011. The Respondent also failed to provide the correct permit number associated with the facility involved in the emissions event. Specifically, New Source Review Permit No. 93973 was incorrectly identified in the Final Report. The correct authorization should have been Permit-by-Rule ("PBR") 30 TEX. ADMIN. CODE § 106.492.
2. Failed prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 106.492 and 122.143(4), FOP No. 3369, Special Terms and Conditions Nos. 9 and 10, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 1, 2011. Specifically, 470.60 pounds ("lbs") of unspeciated volatile organic compounds ("VOC"), 18 lbs of propane and 158.00 lbs of propylene were released when the Respondent failed to prevent the premature lifting of the PSV, resulting in an emissions event (Incident No. 150319) which began on February 5, 2011, and lasted for 45 minutes. Since the Respondent failed to provide the cause of the incident and an accurate correlation of the emission quantities in the final report, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
  3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 106.371 and 122.143(4), FOP No. 3369, Special Terms and Conditions No. 10 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 11, 2011. Specifically, 3,647.88 lbs of propylene and 18.52 lbs of propane were released due to tube leaks in the regeneration condenser at the Splitter III cooling tower, resulting in an emissions event (Incident No. 153286) which began on April 8, 2011, and lasted for 144 hours. Since the emissions event was not reported within 24 hours, and as the Respondent failed to provide sufficient information on the cause of the incident the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
  4. Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery and also failed to provide sufficient information on the root cause so the avoidabililty of the incident could not be determined, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), FOP No. 3369, Special Terms and Conditions No. 2 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 11, 2011. Specifically, Incident No. 153286 was discovered on April 8, 2011 but was not reported until April 13, 2011.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, Docket No. 2011-1316-AIR-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand Two Hundred Twenty-Eight Dollars (\$4,228) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

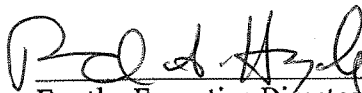
Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

11/20/12  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

10/20/2011  
\_\_\_\_\_  
Date

Graham W. Bacon  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Enterprise Products Operating LLC

VP - Houston Region OPS  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A  
Docket Number: 2011-1316-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>Enterprise Products Operating LLC</b>
<b>Payable Penalty Amount:</b>	<b>Eight Thousand Four Hundred Fifty-Six Dollars (\$8,456)</b>
<b>SEP Amount:</b>	<b>Four Thousand Two Hundred Twenty-Eight Dollars (\$4,228)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Barbers Hill Independent School District- Alternative Fueled Vehicle and Equipment Program</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

Enterprise Products Operating LLC  
Agreed Order - Attachment A

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson  
Carl Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 101  
Port Arthur, Texas 77642

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

Enterprise Products Operating LLC  
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.